D.B. CIVIL CONTEMPT PETITION NO.312/2005

21.3.2006

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE R.P.VYAS

Mr.A.K.Chaudhary, for the appellant.
Mr. N.M. Lodha, AAG

...

The respondent has stated and the applicant has also confirmed that so far as amount of tax levied under the Land and Building Tax Act which was recovered from the applicant has been refunded to him in pursuance of direction of this Court. However, the applicant contends that he has not been paid the interest on delayed refund.

Since there is no direction under the order of this Court for refund of tax recovered from the applicant along with interest, the non-payment of interest even if otherwise payable in law will not amount to willful disobedience of the orders of this Court. Therefore, the contempt petition cannot be used for the purpose claiming that relief.

Since the direction stands complied with, we

discharge notices. However, this will not preclude the applicant from raising the claim for interest on delayed refund of tax recovered from them without authority of law as may be permissible under the law.

(R.P.VYAS)J (RAJESH BALIA)J.

SS/-